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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,023	08/14/2001	Brett E. Miller	42390P12239	1940

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EXAMINER

BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,023

Applicant(s)

MILLER ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-28 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-28, 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

The application of Miller et al. for Proximity Detection For Access Control filed August 14, 2001 has been examined. Claims 1-5, 11-28, and 33-41 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 12-14, 16-17, 25, 27, 28, 33, 34, and 36-39, are rejected under 35 U.S.C. 102(b) as being anticipated by Kulha et al. U.S Patent 5973611.

Regarding claims 1-3, 11-12, and 36-38 Kulha et al. teaches an electronic device (12) comprising:
a detection circuit (22) to detect whether a predetermined device (14) is within a predetermined proximity of the electronic device (col. 4 lines 17-18); and
a control circuit (16) to cause the electronic device to be in a first state (active) when the predetermined device is within the predetermined proximity and to cause the electronic device to be in a second state (sleep) when the predetermined device is not within the predetermined proximity (col. 3 lines 17-22).

Regarding claim 4 and 13, Kulha et al. teaches the microprocessor wakes up from the sleep mode (col. 4 lines 12-17).

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Regarding claims 5, 34, and 41, Kulha et al. teaches the electronic device comprises a transmitter (26) to transmit wireless signals (col. 3 line 26) and the detector comprises a receiver (30) to receive the wireless signals from the predetermined device (col. 3 lines 34-36).

Regarding claims 14 and 39, Kulha et al. teaches the second state comprises a lock state (col. 5 lines 17-30).

Regarding claims 16-17, Kulha et al. teaches determining whether the predetermined device is within the predetermined proximity to the electronic device (col. 4 lines 17-18) further comprises: transmitting a wireless signal (col. 3 lines 24-26); detecting whether an acknowledge signal is transmitted by the predetermined device in response to the wireless signal (col. 5 lines 5-10); and determining, from the acknowledge signal, whether the predetermined device is within the predetermined proximity to the electronic device (col. 5 lines 7-10).

Regarding claims 25 and 33, Kulha et al. teaches detecting when a predetermined device (14) enters a predetermined region with respect to an electronic device (12); and causing the electronic device to boot up (wake up to full operation mode) in response to the predetermined device entering the predetermined region (col. 4 line 65-col. 5 line 5).

Regarding claims 27-28, Kulha et al. teaches the sequences of instructions (routine) that cause the one or more processors to determine whether the predetermined device is within the predetermined proximity to the electronic device further comprises sequences of instructions that, when executed, cause the one or more processors to transmit a wireless signal (col. 5 lines 6-8); detect whether an acknowledge signal is transmitted by the predetermined device in response to the wireless signal (col. 5 lines 10-14); and determine, from the acknowledge signal,

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whether the predetermined device is within the predetermined proximity to the electronic device (col. 5 lines 12-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 15, 26, 35, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. U.S Patent 5973611 in view of Bates et al. U.S Patent 6420961.

Regarding claims 6 and 35, Kulha et al. teaches the predetermined device transmit reply signal (col. 3 lines 34-36) but is silent on teaching the predetermined device comprises a reflective device to reflect the wireless signals. Bates in an art related wireless communication system teaches a reflective device (46) to reflect the wireless signals (col. 7 lines 6-8) which also represents a conventional means of transmitting a response signal.

It would have been obvious to one of ordinary skill in the art for the predetermined device comprises a reflective device to reflect the wireless signal in Kulha et al. as evidenced by Bates et al. because Kulha et al. suggests the predetermined device transmit reply signal and Bates et al. teaches a reflective device to reflect the wireless signals which also represents a conventional means of transmitting a response signal.

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Regarding claims 15, 26, and 41 Kulha et al. teaches the predetermined device is within the predetermined proximity to the electronic device further comprises: transmitting a wireless signal (col. 3 lines 24-26); detecting whether the wireless signal is transmitted by the predetermined device (col. 5 lines 5-10); determining, from the transmitted signal, whether the predetermined device is within the predetermined proximity to the electronic device (col. 5 lines 7-10). Kulha et al. is silent on teaching the predetermined device reflects the response signal. Bates in an art related wireless communication system teaches a reflective device (46) to reflect the wireless signals (col. 7 lines 6-8) which also represents a conventional means of transmitting a response signal.

It would have been obvious to one of ordinary skill in the art for the predetermined device comprises a reflective device to reflect the wireless signal in Kulha et al. as evidenced by Bates et al. because Kulha et al. suggests the predetermined device transmit reply signal and Bates et al. teaches a reflective device to reflect the wireless signals which also represents a conventional means of transmitting a response signal.

Claim 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulha et al. U.S Patent 5973611 in view of King U.S Patent 6236333.

Regarding claims 18, Kulha et al. teaches a sequence of instructions (routine) that when executed by one or more processors, cause the one or more processors to determine whether a predetermined device is within a predetermined proximity of an electronic device (step 74 of figure 8A) and further causes the electronic device to be in a first state (active state defined by the transmission of signal to the remote device) when the predetermined device is within the predetermined proximity of the electronic device (col. 3 lines 17-21). Kulha et al. further teaches

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to be in a second state (inactive state) when the predetermined device is not within the predetermined proximity of the electronic device (col. 5 lines 4-6). Kulha et al. is however not explicit in teaching a machine accessible medium providing access to the sequences of instruction. King in an art related Passive Remote keyless entry system invention teaches a microprocessor having software programmed to determine when a device is in a predetermined range (col. 2 lines 42-45) and one skilled in the art recognizes that software is conventionally stored on a machine-accessible medium in the form of a memory device.

It would have been obvious to one of ordinary skill in the art to have a machine accessible medium providing access to the sequences of instruction in Kulha et al. as evidenced by King because Kulha et al. suggests a routine for determining the proximity of a device and King teaches a microprocessor having software programmed to determine when a device is in a predetermined range and one skilled in the art recognizes that software is conventionally stored on a machine-accessible medium in the form of a memory device.

Regarding claims 19-20, Kulha et al. teaches a first state in which the processor is in the fully operational mode after receiving the wake up signal (col. 5 lines 4-6). The state from which (second state) the processor is awoken from is therefore considered the low power state because the processor is not in the full operational mode.

Regarding claim 21, Kulha et al. teaches the second state comprises a lock state (col. 5 lines 17-30).

Regarding claims 22-24, Kulha et al. teaches the sequences of instructions (routine) that cause the one or more processors to determine whether the predetermined device is within the

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predetermined proximity to the electronic device further comprises sequences of instructions that, when executed, cause the one or more processors to transmit a wireless signal (col. 5 lines 6-8); detect whether an acknowledge signal is transmitted by the predetermined device in response to the wireless signal (col. 5 lines 10-14); and determine, from the acknowledge signal, whether the predetermined device is within the predetermined proximity to the electronic device (col. 5 lines 12-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Vernal Brown
October 29, 2003

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

